

**SIXTY-FIFTH LEGISLATIVE DAY
TUESDAY, MARCH 14, 2006**

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused -- Black. Total -- 1.
Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Michael Kelsey, Page.

Approval of Journal

March 14, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-fourth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

March 11, 2006

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 414, H 415, H 436, H 446, H 447, H 448, H 453, H 454, H 462, H 464, H 476, H 477, H 488, H 535, H 556, H 575, and H 577

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

OFFICE OF THE GOVERNOR
Boise

March 13, 2006

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bill, to wit:

H 534, as amended,

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

March 13, 2006

Mr. Speaker:

I return herewith enrolled **HCR 46, H 457, H 483, H 672, H 579, H 580, H 581, H 708, H 411, H 490, H 493, H 410, H 463**, as amended, **H 603, H 608, H 547, H 559, H 685, H 590, H 475, H 548, H 549, H 550**, and **H 551** which have been signed by the President.

WOOD, Secretary

Enrolled **H 457, H 483, H 672, H 579, H 580, H 581, H 708, H 411, H 490, H 493, H 410, H 463**, as amended, **H 603, H 608, H 547, H 559, H 685, H 590, H 475, H 548, H 549, H 550**, and **H 551** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Enrolled **HCR 46** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 13, 2006

Mr. Speaker:

I transmit herewith **SCR 131, S 1434, S 1435, S 1436, S 1425, S 1356**, as amended, and **S 1357**, as amended, which have passed the Senate.

WOOD, Secretary

SCR 131, S 1434, S 1435, S 1436, S 1425, S 1356, as amended, and **S 1357**, as amended, were filed for first reading.

March 13, 2006

Mr. Speaker:

I return herewith **H 443**, as amended in the Senate, which has passed the Senate.

WOOD, Secretary

H 443, as amended in the Senate, was ordered held at the Desk.

Mrs. McGeachin asked unanimous consent that the House concur in the Senate amendments to **H 443**, as amended in the Senate. There being no objection, it was so ordered.

H 443, as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

March 14, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND

ADMINISTRATION report that we have printed **H 800, H 801, H 802, H 803, H 804, H 805**, and **H 806** and House Amendments to **H 474, S 1300**, as amended, **H 760, H 663**, and **S 1363**.

FIELD(18), Chairman

H 800 was referred to the Resources and Conservation Committee.

H 806 was referred to the Health and Welfare Committee.

H 801, H 802, H 803, H 804, and **H 805** were filed for second reading.

SJM 119 held at the Desk March 9, 2006, was referred to the State Affairs Committee.

March 14, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HJM 13, H 615, H 533**, as amended in the Senate, and **H 601**, as amended in the Senate.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HJM 13, H 615, H 533**, as amended in the Senate, and **H 601**, as amended in the Senate, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 14, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 474**, as amended, **H 760**, as amended, and **H 663**, as amended.

FIELD(18), Chairman

H 474, as amended, **H 760**, as amended, and **H 663**, as amended, were filed for first reading of engrossed bills.

March 14, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 571, H 574, H 536, H 591, H 592, H 700, H 701, H 564, H 566, H 465, H 560, H 578, H 452, H 585, H 586, H 471, H 461, H 444**, as amended, **H 473, H 459**, and **H 458** to the Governor at 11:15 a.m., as of this date, March 13, 2006.

FIELD(18), Chairman

March 13, 2006

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **S 1395**, as amended, and recommend that it do pass.

BARRACLOUGH, Chairman

S 1395, as amended, was filed for second reading.

March 13, 2006

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 789** and report it back with amendments attached to be placed on General Orders for consideration.

BARRACLOUGH, Chairman

H 789 was placed on General Orders for consideration.

March 13, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1275, S 1400**, as amended, **S 1407, S 1408**, and **S 1409**, as amended, and recommend that they do pass.

FIELD(18), Chairman

S 1275, S 1400, as amended, **S 1407, S 1408**, and **S 1409**, as amended, were filed for second reading.

March 13, 2006

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 784** and **S 1295** and recommend that they do pass.

BLACK, Chairman

H 784 and **S 1295** were filed for second reading.

March 13, 2006

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 753** and report it back with amendments attached to be placed on General Orders for consideration.

BLACK, Chairman

H 753 was placed on General Orders for consideration.

March 13, 2006

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration **S 1373, S 1411**, and **S 1413** and recommend that they do pass.

SCHAEFER, Chairman

S 1373, S 1411, and **S 1413** were filed for second reading.

March 13, 2006

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **HJM 21** and recommend that it do pass.

STEVENSON, Chairman

HJM 21 was filed for second reading.

March 13, 2006

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 736** and **H 737** and report them back with amendments attached to be placed on General Orders for consideration.

STEVENSON, Chairman

H 736 and **H 737** were placed on General Orders for consideration.

March 14, 2006

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **HJM 22** and recommend that it do pass.

DEAL, Chairman

HJM 22 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 63

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE CURRENT MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT DELIVERY SYSTEMS IN IDAHO AND TO REVIEW ALTERNATIVE WAYS TO PROVIDE THESE SERVICES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Department of Health and Welfare has grown too large as an agency to effectively manage substance abuse treatment and mental health services for children and adults; and

WHEREAS, the district and magistrate courts, the Department of Correction and the Department of Juvenile Corrections and counties are being adversely affected by our inability to address the needs of those with mental health or substance abuse issues and those who are dual-diagnosed; and

WHEREAS, the staggering cost of mental health and substance abuse treatment systems without accountability measures in either should not be sustained; and

WHEREAS, the Legislature has struggled to find methods to provide guidance for substance abuse and mental health treatment design, delivery and accountability;

WHEREAS, mental health services funded through Medicaid have been subject to some scrutiny through the pilot credentialing authorized by the Legislature in 2005 in the Department of Health and Welfare's appropriation; and

WHEREAS, there is a policy question as to whether substance abuse services and adult and children's mental health services ought to be removed from the Department of Health and

Welfare and be combined into a new stand alone agency.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the current mental health and substance abuse treatment delivery systems in Idaho and to review alternative ways to provide these services and make recommendations for any changes the committee would see as appropriate, with specific attention paid to a system that meets the needs of, and provides accountability to, Idahoans. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochair of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Fifty-ninth Idaho Legislature.

HCR 63 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 131, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Environment, Energy, and Technology Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 807

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO LAND USE PLANNING; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-831, IDAHO CODE, TO ALLOW THE COLLECTION OF A FEE FROM OWNERS OR DEVELOPERS OF A SUBDIVISION BY A COUNTY, WITH THE MONEYS TO BE UTILIZED FOR TRAINING CONDUCTED BY IDAHO HIGHER EDUCATIONAL INSTITUTIONS FOR PLANNER CERTIFICATION, TO PROVIDE THAT THE TRAINING MAY INCLUDE INSTRUCTION IN ENVIRONMENTAL LAND USE ISSUES, ZONING AND LAND USE PRINCIPLES, LANDSCAPE DESIGN, PUBLIC ADMINISTRATION AND ECONOMIC AND FINANCIAL RESPONSIBILITY IN A LAND USE CONTEXT, TO CREATE THE COUNTY PLANNING EDUCATION FUND AND TO PROVIDE FOR EXPENDITURE OF MONEYS IN THE FUND.

HOUSE BILL NO. 808
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

HOUSE BILL NO. 809
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT TO CLARIFY THE SCOPE OF THE APPROPRIATION; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

HOUSE BILL NO. 810
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM FOR FISCAL YEAR 2007; CLARIFYING THE APPROPRIATION FOR THE PORTFOLIO INVESTMENT PROGRAM; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

HOUSE BILL NO. 811
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2007; PROVIDING FOR THE RECOVERY OF BANKING SERVICES COSTS TO THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

HOUSE BILL NO. 812
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

HOUSE BILL NO. 813
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

HOUSE BILL NO. 814

BY WAYS AND MEANS COMMITTEE
 AN ACT

RELATING TO JUDGES; AMENDING SECTION 59-502, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO SALARIES OF JUDGES AND TO MAKE TECHNICAL CHANGES.

H 807, H 808, H 809, H 810, H 811, H 812, H 813, and H 814 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1425, S 1356, as amended, and **S 1357**, as amended, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1300, as amended, as amended in the House, by Judiciary and Rules Committee, was introduced, read the first time by title, and filed for second reading.

S 1363, as amended in the House, by Commerce and Human Resources Committee, was introduced, read the first time by title, and filed for second reading.

S 1434, S 1435, and S 1436, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

First Reading of Engrossed Bills

H 474, as amended, and **H 760**, as amended, by Revenue and Taxation Committee, were introduced, read the first time by title and filed for second reading.

H 663, as amended, by Health and Welfare Committee, was introduced, read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

H 796, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

H 797, H 798, and H 799, by Appropriations Committee, were read the second time by title and filed for third reading.

HCR 48 and HCR 52, by State Affairs Committee, were read the second time by title and filed for third reading.

H 668, by Health and Welfare Committee, was read the second time by title and filed for third reading.

S 1374, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Loertscher moved that **H 617** be returned to the Health

and Welfare Committee. Seconded by Mrs. McGeachin.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bayer, Chadderdon, Eskridge, Hart, Harwood, Loertscher, Mathews, McGeachin, McKague, Nielsen, Nonini, Raybould, Rydalch, Sali, Schaefer, Shepherd(8). Total -- 20.

NAYS -- Bastian, Bedke, Bell, Bilbao, Block, Boe, Bolz, Brackett, Bradford, Cannon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Field(18), Field(23), Garrett, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Martinez, Miller, Mitchell, Moyle, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Saylor, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 48.

Absent and excused -- Black, Crow. Total -- 2.

Total -- 70.

Whereupon the Speaker declared the motion failed.

H 617 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ring to open debate.

The question being, "Shall **H 617** pass?"

Mr. Nielsen asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 617**. There being no objection, it was so ordered.

The question being, "Shall **H 617** pass?"

Roll call resulted as follows:

AYES -- Andrus, Barraclough, Bastian, Bell, Bilbao, Block, Boe, Bolz, Cannon, Chadderdon, Deal, Field(18), Field(23), Garrett, Henbest, Henderson, Jaquet, Kemp, LeFavour, Martinez, Mitchell, Pasley-Stuart, Pence, Ring, Ringo, Rusche, Saylor, Shepherd(2), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 37.

NAYS -- Anderson, Barrett, Bayer, Bedke, Brackett, Bradford, Clark, Collins, Denney, Edmunson, Ellsworth, Eskridge, Hart, Harwood, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Raybould, Roberts, Rydalch, Sali, Schaefer, Shepherd(8), Skippen, Wood. Total -- 31.

Absent and excused -- Black, Crow. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 617** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 776 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Block to open debate.

The question being, "Shall **H 776** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bedke, Bell, Bilbao, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, Martinez, Mathews, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Saylor, Schaefer, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 56.

NAYS -- Barrett, Bayer, Hart, LeFavour, Loertscher, McGeachin, McKague, Nielsen, Sali, Shepherd(8), Wood. Total -- 11.

Absent and excused -- Black, Brackett, Crow. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 776** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10 a.m., Wednesday, March 15, 2006. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:25 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk